

Remarks

The Office Action mailed January 7, 2009, has been received and carefully reviewed. The preceding amendments and the following remarks form a full and complete response thereto. Independent claims 1, 18 and 31 are amended to incorporate the features of allowed claims 47, 48 and 49, respectively. Claims 47-49 are cancelled without prejudice or disclaimer. No new matter is added. Accordingly, claims 1-15, 17-26, 28-33, 39-41, 43 and 45-46 are pending in the application, and are submitted for reconsideration.

Claims 1, 6-7, 10, 11-13, 15, 17, 18-20, 22-25, 31, 33, 39-41, 43 and 45-46 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Caporaletti et al. (U.S. Patent No. 6,686,027) ("Caporaletti") in view of Bonkowski et al. (U.S. Patent No. 6,761,959) ("Bonkowski") and Phillips et al. (U.S. Patent Publication No. 2004/0101676) ("Phillips"). Claims 2 and 3 were rejected under 35 U.S.C. § 103(a) under 35 U.S.C. § 103(a) as being unpatentable over Caporaletti in view of Bonkowski, Phillips and Howland et. al. (U.S. Patent No. 6,089,614) ("Howland"). Claims 3, 4, 14, 26 and 28-30 were rejected under 35 U.S.C. § 103(a) under 35 U.S.C. § 103(a) as being unpatentable over Caporaletti in view of Bonkowski and Phillips. Applicant respectfully traverses these rejections and submits that claims 1-15, 17-26, 28-33, 39-41, 43 and 45-46 recite patentable subject matter over the cited references.

Independent claims 1, 18 and 31 are amended to further recite that "the gaps are only present in at least one of the absorber layers." This feature was previously recited

by claims 47-49, which respectively depended from claims 1, 18 and 31 and which the Examiner indicated as allowable in the Office Action. Office Action, page 10, lines 12-14. Independent claims 1, 18 and 31 are thus allowable. Also, claims 2-15, 17, 39-41 and 45-46; claims 19-26, 28-30 and 43; and claim 32 are also patentable at least for their dependencies on independent claims 1, 18 and 31, respectively. Applicant thus requests that the rejections to claims 1-5, 6-7, 10, 11-13, 15, 17, 18-20, 22-25, 31, 33, 39-41, 43 and 45-46 based on alleged obviousness be withdrawn and the application be passed to issue.

In view of the foregoing, all objections and rejections have been sufficiently addressed. In the event that this paper is not timely filed, Applicant respectfully petitions for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account No. 02-2135.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, Applicant's undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

Respectfully submitted,

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Date

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